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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,056	03/05/2001	Yutaka Sato	7217/64048	3522

7590 07/23/2003  
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EXAMINER

FIGUEROA, FELIX O

ART UNIT PAPER NUMBER

2833

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/800,056

Applicant(s)

SATO ET AL.

Examiner

Felix O. Figueroa

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 5, 12, 16 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5, 12, 16 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gefvert (US 5,850,457) in view of Ruzicka (US 6,118,876), Siems et al. (US 5,470,253) and Glover (3,824,524).

Gefvert discloses a multi-channel audio system comprising an electronic apparatus (100) provided with at least four audio signal output terminals (see Fig.8B) for a plurality of channels; a plurality of speakers (102,104,106,108); and a plurality of connecting cable members (see Fig.8B), each incorporating a pair of conductor members bearing a pair of polarities and sheathed by one of a plurality of insulating sheathing members, each of the audio signal output terminals being arranged corresponding to positions of the plurality of speakers, the speakers being arranged corresponding to the plurality of channels.

Gefvert discloses substantially the claimed invention except for the plurality of colors on the signal output terminals. Ruzicka discloses (in col.7 lines 28-33) the use of an audio system having audio signal output terminals being distinguished by one of a plurality of colors for enabling the plurality of channels to be discernible; a plurality of connecting cable members distinguished by one of the plurality of colors corresponding

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to a color distribution of the audio signal output terminals; and the speakers being distinguished by corresponding colors to facilitate installation process. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the terminals and cable members of Gefvert with a plurality of colors, as taught by Ruzicka, to facilitate installation process.

Gefvert, as modified by Ruzicka, discloses substantially the claimed invention except for the use of contractile tubes. Siems teaches the use of thermally contractile tubes of different colors secured to cable members to facilitate installation and connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use thermally contractile tubes of different colors secure to cable members, as taught by Siems, to facilitate installation and connection.

Gefvert, as modified, discloses substantially the claimed invention except for the connector structure of the cable. Glover discloses a connector using a connecting cable member (5) having two conductor portions having a pair of polarities and an insulating sheathing member, one end of the connecting cable member conforming to a structure of a plug connector (1) incorporating two conductor members (27) connected to the two conductor portions; a socket connector (3) coupled with the plug connector and provided in one of a first or second apparatus, the socket connector being provided with a pair of connecting pins (35) bearing the pair of polarities; and position controlling means (see Fig.7); the plug connector being provided with a pair of coupling holes (27); and position controlling means coupling portion (see Fig.6) to ensure correct

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connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a connector structure, as taught by Glover, to ensure correct connection.

Additionally, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the distinguishing colors by one of different known methods, such as using colored labels and sheets.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gefvert, Ruzicka, and Siems and further in view of Glover and Lee.

Glover discloses substantially the claimed invention except for plug connectors at both ends of the cable. Lee teaches a connector comprising a cable (22) having plug connectors at both ends to provide uniformity and facilitate the connection process. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a plug connector at both ends of the cable member of Glover, as taught by Lee, to provide uniformity and facilitate the connection process.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruzicka in view Siems et al. and Glover.

Ruzicka discloses (in col.7 lines 28-33) a multi-channel audio system comprising an electronic apparatus with a plurality of audio signal output terminals; a plurality of speakers; a plurality of connecting cable members, the plurality of connecting cable members provided with a specific color corresponding to the color provided on the plurality of audio signal output terminals. Ruzicka also discloses each of the plurality of

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speaker terminals being distinguished with a specific color in correspondence with the colors of the plurality of audio signal output terminals.

Ruzicka discloses substantially the claimed invention except for the use of contractile tubes. Siems teaches the use of thermally contractile tubes of different colors secure to cable members to facilitate installation and connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use thermally contractile tubes of different colors secure to cable members, as taught by Siems, to facilitate installation and connection.

Ruzicka, as modified, discloses substantially the claimed invention except for the connector structure of the cable members. Glover teaches a connector structure on a cable (see discussion on claims 11 and 15) to ensure correct connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a connector structure, as taught by Glover, to ensure correct connection.

Ruzicka, as modified by Siems, discloses substantially the claimed invention except for the specific methods of providing the distinguishing colors. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the distinguishing colors by one of different known methods, such as using colored labels and sheets.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruzicka, Siems and Glover, and further in view of Lee.

Ruzicka, as modified, discloses substantially the claimed invention except for plug connectors at both ends of the cable. Lee teaches a connector comprising a cable (22) having plug connectors at both ends to provide uniformity and facilitate the connection process. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a plug connector at both ends of the cable member of Glover, as taught by Lee, to provide uniformity and facilitate the connection process.

### ***Response to Arguments***

Applicant's arguments filed 12/02/02 have been fully considered but they are not persuasive.

In response to applicant's argument that the present invention "must be taken as a whole and not piece by piece relative to its various elements", the examiner agrees with the applicant. However, it is noted that the test for obviousness is whether the combined teachings of the references would have suggested to those of ordinary skill in the art. In this case, each reference presents its own teaching of the various advantages provided by the structures shown, thus, allowing one of ordinary skill in the art to appreciate the numerous advantages presented.

It is specifically noted that Ruzicka discloses (in the Background of the Invention) the use of color-coding to of the connections at the speaker and the audio signal source as well as adding labeling to the jacks. However, the fact that Ruzicka intends to improve upon this method does not render the method undesirable to one skill in the art.

Clearly, Ruzicka does not state "not to use color coding", but that the method presented would be easier to employ.

In response to applicant's argument that Siems does not use color coded shrink wrap tube but shrink wrap labels, please note that the shrink wrap tubes of Siems show a plurality of the specification required for the connection, such as gauge, length, color (col.3. lines 14-18). The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, it is suggested that one or more characteristics could be provided by the shrink wrap tube of Siems.

In response to applicant's arguments that Siems "teaches that the color coded shrink wrap is not an approach that is useful", please note that Siems only discloses that the use of color-coded shrink wrap is insufficient on complex circuit arrangement. Clearly, this does not prevent the use of such system on less complex arrangement such as the arrangement of Gefvert or Ruzicka.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (703) 308-0097. The examiner can normally be reached on Mon.-Fri., 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

ffr  
July 18, 2003

  
RENEE LUEBKE  
PRIMARY EXAMINER